

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Ervin Lewis Bush

Docket No. 5:03-CR-190-1BR

Petition for Action on Supervised Release

COMES NOW Debbie W. Starling, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ervin Lewis Bush, who, upon an earlier plea of guilty to Possess With the Intent to Distribute More Than 50 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. §841(a)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge on March 8, 2004, to the custody of the Bureau of Prisons for a term of 150 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Ervin Lewis Bush was released from custody on March 12, 2014, at which time the term of supervised release commenced.

On April 29, 2014, a Violation Report was submitted to the Court advising that the defendant had been charged with Assault on a Female in Cumberland County, North Carolina. The charge was subsequently dismissed on May 20, 2014, and the defendant's supervision was continued.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On February 2, 2015, the defendant reported to the probation office, submitted a urine specimen and signed an Admission of Drug Use Statement admitting that he smoked marijuana on or about January 28, 2015. Bush admitted that he relapsed due to stress related to the upcoming birth of his child, and expressed a desire to undergo substance abuse counseling. He has been referred for outpatient counseling and will continue to be monitored through the Surprise Urinalysis Program for detection of future drug use. As a punitive sanction, it is recommended that his conditions be modified to include two days in jail and DROPS, second use level. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

/s/ Robert L. Thornton

Robert L. Thornton

Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Debbie W. Starling

Debbie W. Starling

U.S. Probation Officer

310 Dick Street

Fayetteville, NC 28301

Phone: 910-354-2536

Executed On: February 6, 2015

ORDER OF THE COURT

Considered and ordered this 6 day of February, 2015 and ordered filed and
made a part of the records in the above case.



W. Earl Britt

Senior U.S. District Judge